

AS

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 96-389-C - ORDER NO. 97-552
JUNE 27, 1997

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IN RE: Application of Worldcom, Inc. D/B/A) ORDER DENYING
LDDS Worldcom for Approval of an) PETITION FOR
Alternative Regulatory Plan.) RECONSIDERATION

This matter comes before the Public Service Commission of South Carolina (the Commission) on the Petition for Rehearing and Reconsideration of our Order No. 97-430 by the Consumer Advocate for the State of South Carolina (the Consumer Advocate). In Order No. 97-430, we granted Worldcom, Inc. DBA LDDS Worldcom (Worldcom) "relaxed regulation" pursuant to the same methodology as granted to AT&T of the Southern States, Inc. (AT&T) under Order Nos. 95-1734 and 96-55.

The Consumer Advocate complains that the Commission has acted in excess of its statutory authority, in that, according to the Consumer Advocate, S.C. Code Ann. Section 58-9-585 provides the only means by which the Commission may choose to lift or not require maximum rates for telecommunications service of an interexchange telecommunications carrier (IXC).

We have ruled on this matter in other cases, and have denied similar Petitions for Rehearing or Reconsideration, based on similar grounds. We deny the Petition in this instance as well. We note that S.C. Code Ann. Section 58-9-585 (Supp. 1996)

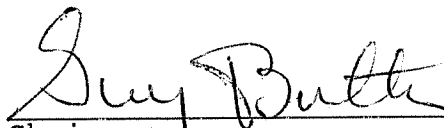
discusses that the Commission may consider alternative means of regulating a carrier. We interpret this as being a permissive directive of the Legislature, one that the Commission is not bound to follow, should it possess other proper bases for its ruling. We note that S.C. Code Ann. Section 58-9-720 (1976) holds that "the Commission may, upon its own motion or complaint, ascertain and fix just and reasonable classifications, regulations, practices or service to be furnished... by any or all telephone utilities..." We believe that this general authority allows us to establish such reasonable practices as we see fit for the regulation of telecommunications carriers, above and beyond S.C. Code Section 58-9-585, including our promulgation of Order No. 84-622 and possible modifications. Further, we announced in the AT&T Orders, that those Orders were modifications of our original Order No. 84-622 which has governed the regulation of IXCs since 1984. We therefore disagree with the Consumer Advocate's contention that S.C. Code Ann. Section 58-9-585 provides the only means by which the Commission may choose to lift or not require maximum rates for telecommunications carriers.

We believe we acted properly. Therefore, the Petition for Rehearing and Reconsideration of the Consumer Advocate is denied.


DOCKET NO. 96-389-C - ORDER NO. 97-552
JUNE 27, 1997
PAGE 3

This Order shall remain in full force and effect until
further Order of the Commission.

BY ORDER OF THE COMMISSION:


Chairman

ATTEST:


Deputy Executive Director
(SEAL)